

TRANSMITTAL FORM	Attorney Docket No. K35R1764/2348P
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In re the application of: **Seagle, et al.**

Confirmation No: **4063**

Serial No: **10/087,505**

Group Art Unit: **2652**

Filed: **March 1, 2002**

Examiner: **Davis, David D.**



For: **Pedestal Defined Zero Throat Writer Having A Recessed Pedestal**

ENCLOSURES (check all that apply)					
<input type="checkbox"/>	Amendment/Reply	<input type="checkbox"/>	Assignment and Recordation Cover Sheet	<input type="checkbox"/>	After Allowance Communication to Group
<input type="checkbox"/>	After Final	<input type="checkbox"/>	Part B-Issue Fee Transmittal	<input type="checkbox"/>	Notice of Appeal
<input type="checkbox"/>	Information disclosure statement	<input type="checkbox"/>	Letter to Draftsman	<input type="checkbox"/>	Appeal Brief
<input type="checkbox"/>	Form 1449	<input type="checkbox"/>	Drawings	<input checked="" type="checkbox"/>	Reply Brief
<input type="checkbox"/>	(X) Copies of References	<input type="checkbox"/>	Petition	<input checked="" type="checkbox"/>	Postcard
<input type="checkbox"/>	Extension of Time Request *	<input type="checkbox"/>	Fee Address Indication Form	<input type="checkbox"/>	Other Enclosure(s) (please identify below):
<input type="checkbox"/>	Express Abandonment	<input type="checkbox"/>	Terminal Disclaimer		
<input type="checkbox"/>	Certified Copy of Priority Doc	<input type="checkbox"/>	Power of Attorney and Revocation of Prior Powers		
<input type="checkbox"/>	Response to Incomplete Appln	<input type="checkbox"/>	Change of Correspondence Address		
<input type="checkbox"/>	Response to Missing Parts	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for xxxxxx month(s), from to .			
<input type="checkbox"/>	Executed Declaration by Inventor(s)				

CLAIMS					
FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	0	0	0	\$ 50.00	\$ 0.00
Independent Claims	0	0	0	\$200.00	\$ 0.00
				Total Fees	\$ 0.00
METHOD OF PAYMENT					
<input type="checkbox"/>	Check no. _____ in the amount of \$ _____ is enclosed for payment of fees.				
<input checked="" type="checkbox"/>	Charge any fees or credit any overpayment to Deposit Account No. <u>02-2120</u> (Sawyer Law Group LLP)				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Attorney Name	Janyce R. Mitchell, Reg. No. 40,095
Signature	<i>Janyce R. Mitchell</i> / Reg. No. 40,095 Janyce R. Mitchell
Date	December 5, 2005
CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 5, 2005	
Type or printed name	Jackie Tanda
Signature	<i>Jackie Tanda</i>



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NO:

In Re Application of:

Date: December 5, 2005

Seagle, et al.

Confirmation No: 4063

Serial No: 10/087,505

Group Art Unit: 2652

Filed: March 1, 2002

Examiner: Davis, D.D.

For: PEDESTAL DEFINED ZERO THROAT WRITER HAVING A
RECESSED PEDESTAL

REPLY BRIEF

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TOPICAL INDEX

I. REAL PARTY IN INTEREST

II. RELATED APPEALS AND INTERFERENCES

III. STATUS OF CLAIMS

IV. STATUS OF AMENDMENTS

V. SUMMARY OF THE INVENTION

VI. GROUPING OF CLAIMS

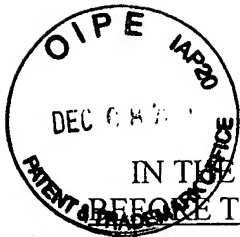
VII. ARGUMENTS

- A. Summary of the Applied Rejection
- B. The Cited Prior Art
- C. Claims 1-11 Are Not Unpatentable Under 35 U.S.C. § 102.
- D. Summary of Arguments

VIII. CLAIMS APPENDIX

IX. EVIDENCE APPENDIX

X. RELATED PROCEEDINGS APPENDIX



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NO:

In Re Application of:

Date: December 5, 2005

Seagle, et al.

Confirmation No: 4063

Serial No: 10/087,505

Group Art Unit: 2652

Filed: March 1, 2002

Examiner: Davis, D.D.

For: PEDESTAL DEFINED ZERO THROAT WRITER HAVING A
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY TO EXAMINER'S ANSWER

Sir:

Appellant herein files an Appeal Brief drafted in accordance with the provisions of 37

C.F.R. § 1.192(c) as follows:

I. REAL PARTY IN INTEREST

A statement identifying the Real Party in Interest is contained in the Appeal Brief.

II. RELATED APPEALS AND INTERFERENCES

A statement identifying the related appeals and interferences is contained in the Appeal

Brief.

III. STATUS OF CLAIMS

A statement identifying the status of the claims is contained in the Appeal Brief.

IV. STATUS OF AMENDMENT

A statement identifying the status of amendments is contained in the Appeal Brief.

V. SUMMARY OF THE INVENTION

A statement summarizing the invention is contained in the Appeal Brief. Appellant also respectfully reiterates that the present invention provides a method and system for providing a pedestal defined zero throat (PDZT) write head. The method and system comprise providing a first pole having a pedestal, providing a gap and providing a second pole. The first pole has a pedestal. The gap separates the pedestal of the first pole from a portion of the second pole. The pedestal has a front, a back, a top and a bottom. The back of the pedestal has a recess therein, which runs from the top of the pedestal to the bottom of the pedestal. The second pole has a substantially flat bottom which extends over the gap and beyond the back of the pedestal. Thus, the back of the pedestal also defines the zero throat height. Such a PDZT head may have improved performance in the form of a lower rise time, improved writeability, and reduced inadvertent erasing of adjacent tracks. Specification, page 5, lines 11-19.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 are each unpatentable under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,624,971 (Sasaki).

VII. ARGUMENTS

A. Summary of the Applied Rejections

In the Final Office Action, dated June 16, 2004, the Examiner rejected Claims 1-11 under 35 U.S.C. § 102 as being anticipated by Sasaki. In particular, the Examiner cited Figs. 3A, 4A, 6, and 14 of Sasaki as showing as anticipating claims 1-11. The Examiner cited Figs. 6 and 14 in his rejection of claims 1 and 6. With respect to Fig. 6, the Examiner cited the recess 60 as being analogous to the recited recess, item 7 as a first pole, and item 27A as the pedestal. With respect to Fig. 14, the Examiner cited item 27C as the second pole. In his rejection of the remaining claims, the Examiner indicated that Fig. 3A depicts the coil 28 and indicated that Figs. 4A and 6 teaches the edges of the recess 60 being outside of the edges of the second pole.

In addition, in the Examiner's Reply Brief, the Examiner's Response to Argument discussed Appellant's arguments regarding the "trim structure." In particular, in section (10) of the Examiner's Response, the Examiner stated:

whether or not pedestal 27A has the same shape or not is also not germane. Appellant claims a pedestal with a recess, and figure 6 clear [sic] shows, by way of the hatching, that first pole 7 has pedestal 27A. Whether or not there are additionally layers on pedestal 27A does not affect the existence of pedestal 27A.

Appellant respectfully requests that the Board reverse the Examiner's final rejection of claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 under 35 U.S.C. § 102.

B. The Cited Prior Art

Sasaki teaches a write head. For example, items 7 and 9 of Figs. 4A, 6, 13, and 14 of Sasaki are the first (bottom) pole and the write gap. However, Sasaki states that the top pole tip includes item 27A and is shaped with a recess 60. Sasaki, col. 11, lines 13-19 and Figs. 5-9. Thus,

item 27A is a pole tip for the second pole. The bottom pole 7 includes a raised portion that is under item 9 and shares the shape of the pole tip 27A. This raised portion, also termed the trim structure, has the same shape as the pole tip of the second pole.

Fig. 14 also depicts a write head having a pole tip 27A for the second pole. Sasaki's discussion of Fig. 14 states that the pole depicted in Fig. 14 is a modification of the pole depicted in Fig. 6. Sasaki further states that the modification is that the "position of the edge face 22 on the front side (air bearing surface side) in the connection portion 27C(2) of the top pole 27C may cross the position of the edge face T1 and extend so as to overlap a part of the intermediate coupling portion 27A(2)." Sasaki, col. 18, lines 46-51. Fig. 14 of Sasaki thus describes a change in the location at which the top portion of the second pole, item 27C, attaches to the pole tip 27A. The pole tip 27A is presumably still utilized as a trim structure for the first, bottom pole 7.

C. Claims 1-11 Are Not Anticipated Under 35 U.S.C. § 102.

Appellant respectfully submits that the applied rejections of claims 1 and 6 under 35 U.S.C. § 102 are not proper because the Examiner can not explain why Sasaki teaches or suggests the methods recited in claims 1 and 6. With respect to claim 1, Sasaki neither teaches nor suggests a PDZT head including "a first pole having a pedestal, the pedestal having a front, a back, a top and a bottom, the back of the pedestal having a recess therein, the recess running from the top of the pedestal to the bottom of the pedestal . . ." in combination with "a second pole . . . [having] a bottom surface, a portion of the bottom surface extending over the pedestal and along the gap beyond the back of the pedestal and being substantially flat such that a zero throat height of the write head is defined by the pedestal." Thus, claim 1 requires *both* a first (bottom) pole having a pedestal including a recess and a second (top) pole having a substantially

flat bottom surface such that the pedestal of the first pole defines the zero throat height of the write head. Claim 6 recites an analogous method claim.

In the Final Office Action and Examiner's Answer, the Examiner cited Sasaki, which fails to teach or suggest the above-mentioned elements of claims 1 and 6. Consequently, despite some superficial similarities in the cited reference and the present invention as recited in claims 1 and 6, claims 1 and 6 are not anticipated by Sasaki. Figs. 6 and 14 of Sasaki fail to teach or suggest the PDZT head and method recited in claims 1 and 6. In Fig. 6 of Sasaki neither pole has a *substantially flat bottom surface* such that the pedestal of the first pole defines the zero throat height of the write head. Instead, both the top pole 27A and the bottom raised portion, or trim structure, of the bottom pole 7 include a notch 60. Although the notch 60 is shown, the combination of elements including *both* a first (bottom) pole having a pedestal with a recess *and* a second (top) pole having a substantially flat bottom surface such that the pedestal of the first pole defines the zero throat height of the write head. Thus, Fig. 6 of Sasaki does not teach or suggest the structure recited in claim 1 or the method recited in claim 6 that provides such a structure.

For similar reasons, Fig. 14 of Sasaki fails to teach or suggest the recited PDZT head. As discussed above, Sasaki states that the difference between Figs. 6 and 14 is that the location of the edge face differs. Consequently, it is presumed that the bottom pole still includes the raised portion having a notch. In addition, the top pole also presumably includes the notch. Consequently, like Fig. 6, Fig. 14 fails to teach or suggest the combination of elements recited in claims 1 and 6. In particular, Fig. 14 of Sasaki neither teaches nor suggests the recited combination of the first pole including a pedestal having the recited recess in conjunction with a second pole having a substantially flat bottom surface such that a zero throat height of the write

head is defined by the pedestal. Consequently, the cited portions of Sasaki do fail to teach or suggest the PDZT head and method recited in claims 1 and 6, respectively.

Further, Appellant respectfully draws the Examiner's attention to the arguments made with respect to Fig. 13 of Sasaki in Appellant's Brief. Accordingly, Appellant respectfully submits that claims 1 and 6 are allowable over the cited references.

Claims 2, 3, 4, and 5 depend on independent claim 1. Claims 7, 8, 9, 10 and 11 depend on independent claim 6. Consequently, claims 2-5 and 7-11 are allowable for the same reasons discussed above with respect to claim 1.

Accordingly Appellant respectfully requests that the Board reverse the final rejection of claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 under 35 U.S.C. § 102.

E. Summary of Arguments

For all the foregoing reasons, it is respectfully submitted that claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 (all the claims presently in the application) are patentable for defining subject matter which would not have been anticipated under 35 U.S.C. § 102(e) and would have been nonobvious under 35 U.S.C. § 103 at the time the subject matter was invented. Thus, Appellant respectfully requests that the Board reverse the rejection of all the appealed claims and find each of these claims allowable.

Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellant's "APPENDIX" section is contained on separate sheets following the signatory portion of this Appeal Brief.

This Reply Brief is being submitted, and authorization for payment of the required Reply Brief fee is contained in the transmittal letter for this Reply Brief. Please charge any fee that

may be necessary for the continued pendency of this application to Deposit Account No. 02-2120 (Sawyer Law Group LLP)

Very truly yours,

/Janyce R. Mitchell/Reg. No. 40,095

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VIII. CLAIMS APPENDIX

1. A pedestal defined zero throat write head comprising:

a first pole having a pedestal, the pedestal having a front, a back, a top and a bottom, the back of the pedestal having a recess therein, the recess running from the top of the pedestal to the bottom of the pedestal;

a second pole;

a gap separating the pedestal of the first pole from a portion of the second pole;

wherein the second pole has a bottom surface, a portion of the bottom surface extending over the pedestal and along the gap beyond the back of the pedestal and being substantially flat such that a zero throat height of the write head is defined by the pedestal.

2. The pedestal defined zero throat write head of claim 1 wherein the recess includes a first edge and a second edge, the first edge and the second edge being directly under a portion of the second pole.

3. The pedestal defined zero throat write head of claim 1 wherein the recess includes a first edge and a second edge, the first edge and the second edge being outside of the second pole.

4. The pedestal defined zero throat write head of claim 1 wherein the second pole further includes a nose and wherein a portion of the pedestal is directly under the nose.

5. The pedestal defined zero throat write head of claim 1 further comprising:

at least one coil between the first pole and the second pole.

6. A method for providing pedestal defined zero throat write head comprising the steps of:

(a) providing a first pole having a pedestal, the pedestal having a front, a back, a top and a bottom, the back of the pedestal having a recess therein, the recess running from the top of the pedestal to the bottom of the pedestal;

(b) providing a gap above the pedestal;

(c) providing a second pole, the gap separating the pedestal from a portion of the second pole;

wherein the second pole providing step (c) further includes the step of:

(c1) providing the second pole such that the second pole has a bottom surface, a portion of the bottom surface extending over the pedestal and along the gap beyond the back of the pedestal and being substantially flat such that a zero throat height of the write head is defined by the pedestal.

7. The method of claim 6 wherein the first pole providing step (a) further includes the steps of:

(a1) depositing the pedestal; and

(a2) removing a portion of the pedestal to provide the recess.

8. The method of claim 6 wherein the first pole providing step (a) further includes the step of:

(a1) providing the recess having a first edge and a second edge such that the first edge and the second edge are directly under a portion of the second pole.

9. The method of claim 6 wherein the first pole providing step (a) further includes the step of:

(a1) providing the recess having a first edge and a second edge such that the first edge and the second edge are outside of the second pole.

10. The method of claim 1 wherein the second pole providing step (c) further includes the step of:

(c2) providing a nose such that a portion of the pedestal is directly under the nose.

11. The method of claim 6 further comprising the step of:

(d) providing at least one coil between the first pole and the second pole.

IX. EVIDENCE APPENDIX

X. RELATED PROCEEDINGS APPENDIX